UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

KEN TODD, Personal Representative of the Estate of EMMA TODD, Deceased

Plaintiff(s), : MDL No. 2419

: Master Docket No. 1:13-md-2419-FDS : CASE NO. 2:13-cv-12655-GAD-LJM

Honorable F. Dennis Saylor

UNIFIRST CORPORATION, A/D/B/A UNICLEAN CLEANROOM

v.

SERVICES,

:

Defendants. :

AMENDED SHORT FORM COMPLAINT AGAINST UNIFIRST CORPORATION, D/B/A UNICLEAN CLEANROOM SERVICES

Now Come Plaintiff(s), $_KEN TODD$, complaining against the Defendants, allege(s) as follows:

FIRST COUNT

- 1. Pursuant to MDL Order No. 7, entered in In Re: New England Compounding Pharmacy, Inc. Products liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs' Master Complaint, with attachments, and any and all amendments thereto. Plaintiff also adopts and incorporates by reference all allegations and claims raised in the complaint filed in Adair, et. al v. Ameridose, LLC, et. al, Case no. 2:13-cv-12655-GAD-LJM
 - 2. Plaintiff is a resident of the State of Michigan.

3. Plaintiff brings this action:	
On behalf of herself/himself. As the representative of As the Personal Representative of the	
of _EMMA TODD (hereinafter "De	cedent"), who died on _March 5, 2013 .
4. Additionally,	, is the:
☐ Spouse	
of, is/are a reside	ent(s) of the State of Michigan, and is hereby
named as an additional plaintiff(s), and claim	ms damages.
5. Plaintiff asserts that the I	Plaintiff was administered New England Compounding
Pharmacy, Inc. ("NECC") drug MPA	(hereinafter referred to as "NECC drug"), causing
injuries and damages.	
6. The aforesaid admini	stration of the NECC drug occurred
09/10/12 on at Michigan Pain Specialists	by Dr. Washabaugh/Chatas/Bojrab/Shalhoub located
in Michigan Pain Specialists in Brighton, M	lichigan.
7. Plaintiff(s) adopt(s) and inc	corporate(s) by reference the following Causes of
Action asserted against the Defendants in the	ne Master Complaint:
[X] COUNT II: NEGLIOUNIFirst)	GENCE AND GROSS NEGLIGENCE (Against
COUNT III: NEGLI Clinic Related Defer	GENCE AMD GROSS NEGLIGENCE (Against adants)
COUNT IV: VIOLA (Against Clinic Rela	TION OF CONSUMER PROTECTION STATUTES ted Defendants)
Plaintiff(s) allege vio	plation of the following consumer protection
COUNT VI: VIOLA	TION OF M.G.L. C. 93A (Against UniFirst)

	COUNT VII: BATTERY (Against Clinic Related Defendants)
	COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)
	COUNT IX: TENNESEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)
	COUNT X: AGENCY (Against Clinic Related Defendants)
	COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
X	COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)
	COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)
X	COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

11. Plaintiff EMMA TODD, Dec'd claims to have suffered the following injuries as

a result of the administration of NECC's drug (See Attached):

12. The additional designated plaintiff(s) has suffered/have suffered/will continue to

suffer the following: (See Attached).

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding

compensatory damages in an amount in excess of \$75,000.00, punitive damages, attorneys' fees,

interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims

against individuals or entities currently omitted (in light of the Court's order permitting a Master

Complaint naming defendants affiliated with NECC and currently participating in mediation by

December 20) and to add or amend allegations against Defendants named herein based, in part,

on further discovery.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully Submitted,

PLAINTIFF(S),

By (Their) Attorneys,

LIPTON LAW

/S/ Marc Lipton

757 Ware Espton

MARC LIPTON (P43877) Attorney for Plaintiffs 18930 W. 10 Mile Road

Southfield, Michigan 48075

(248) 557-1688

marc@liptonlaw.com

Date: December 20, 2013

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Plaintiff's Decedent, Emma Todd claims to have suffered the following:

- i. Fungal Meningitis
- ii. Epidural phlegmoniii. Spinal abscess
- iv. Altered mental status
- v. Poor wound healing
- vi. Atrial Fibrillation and DVT
- vii. Other reactions related to anti-fungal medication
- viii. Wrongful Death

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Attachment – Paragraph #12

Plaintiff, Emma Todd, Decedent, was prescribed treatment for said diseases and illnesses, including but not limited to:

- i. Posterior Lumbar Decompression, L3-S1
- ii. Multiple Evacuation and Debridements of phlegmon/abscess
- iii. Removal of previously placed Interstim Device on urgent basis
- iv. Hyponatremia
- v. The administration of anti-fungal medications, both oral and IV

Further as a direct and proximate result of the steroids contamination of Plaintiff's decedent, Emma Todd and of her wrongful death, her survivors each suffered and still suffers a loss of service, gifts and other valuable gratuities, the loss of parental training and guidance, the loss of society and companionship and other elements of damages enumerated in the Michigan Wrongful Death Act. The estate has also incurred medical; funeral and other expenses as a direct and proximate result of Defendant's conduct.

CERTIFICATE OF SERVICE

I, TANIA M. SALLING, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

/S/ Tania M. Salling
Tania M. Salling

Date: December 20, 2013